

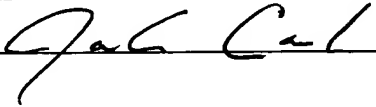
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>January 15, 2006</u></p> <p>Signature <u></u></p> <p>Typed or printed name <u>Jack M. Cook</u></p>		Application Number	Filed
		09/978,524	October 16, 2001
		First Named Inventor	
Gary H. Knauf		Art Unit	Examiner
1762		Tsoy, Elena	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. 56,098 Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Thilmany 119236.00013

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Date of Signature and Deposit: 1/25/06

Jack M. Cook  
Jack M. Cook, Reg. No. 56,098

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Gary H. Knauf  
Application.: 09/978,524  
Filed: October 16, 2001  
For: METHOD FOR EXTRUSION COATING A LIGHTWEIGHT WEB  
Group Art Unit: 1762  
Examiner: Tsoy, Elena  
Attorney's Docket: 119236.00013

**REASONS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The primary point of contention in the present application can be simplified to the following question: Is there a difference between an extruded film that covers a surface of a web and a preformed film that is designed as a laminate to be positioned over a web? Applicant asserts that an extruded film is very different from a preformed film and that one of ordinary skill in the art would readily appreciate that they are not "functionally equivalent", as maintained in the Office Actions of record.

In particular, in an attempt to combine Backwell and Marrocco, III et al., the Office Actions of record have asserted that laminating preformed films is *functionally equivalent* to the extrusion of "a polymer film coating onto the lightweight web and carrier web," as called for in claim 1. However, this conclusion is unsupported by the art of record and is contrary to the understanding of one of skill in the art.

First, one of ordinary skill in the art would recognize that the art of record teaches a preformed film laminate, which in the art is biaxially stretched to yield substantial strength against tearing along both the length and width of the film laminate. On the other hand, one of

ordinary skill in the art would readily recognize that since the claimed film is “extruded” it is stretched linearly along its length and, thus, only yields substantial resistance tearing in one direction.


Second, one of ordinary skill in the art would readily recognize that the preformed film laminates taught in the art of record require an adhesive in order to be affixed to the web upon which it is positioned to protect. However, by extruding the claimed polymer film coating onto the lightweight web and carrier web, no adhesive is necessary.

For at least these reasons, laminating preformed films cannot be said to be “functionally equivalent” to the extrusion of “a polymer film coating onto the lightweight web and carrier web,” as called for in claim 1. Accordingly, Applicant respectfully asserts that the rejection proffered in the Office Actions of record cannot be sustained. Therefore, Applicant requests that the Review Panel find that the present application should be allowed and prosecution on the merits closed.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this or any other communication regarding this application from Deposit Account No. 17-0055.

Respectfully submitted,

GARY H. KNAUF



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